

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER LOADHOLT,

Plaintiff,

-against-

ORTHOFEET, INC.,

Defendant.

22-cv-3977 (ALC)

**ORDER**

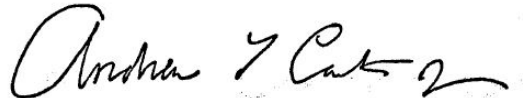
**ANDREW L. CARTER, JR., United States District Judge:**

Following the Court's July 18, 2023 Order directing Plaintiff to move for default judgment, Defendant OrthoFeet, Inc. ("OrthoFeet") filed a late Answer in response to the Amended Complaint. "If an answer is filed late, the court may treat the issue as one of default." *Liang v. Home Reno Concepts, LLC*, 803 F. App'x 444, 446 (2d Cir. 2020) (citing *John v. Sotheby's, Inc.*, 141 F.R.D. 29, 35 (S.D.N.Y. 1992) ("The filing of a late answer is analogous to a motion to vacate a default.")).

The deadlines in the Court's July 18, 2023 Order remain in effect. If Plaintiff seeks to move for default judgment, he must seek a certificate of default by **July 25, 2023** and must file a motion for default judgment by **August 15, 2023**. If Defendant seeks to oppose the motion for default judgment, it may do so in writing, addressing the factors under *Enron Oil Corp. v. Diakuhara*, 10 F.3d 90, 96 (2d Cir. 1993), by **August 29, 2023**.

**So Ordered.**

**Dated: July 21, 2023**  
New York, New York



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**ANDREW L. CARTER, JR.**  
United States District Judge